

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.04.2019****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****Cr1 OP(MD)No.5350 of 2019**

Sudhakar Francis

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul,
Dindigul District.

2. The Inspector of Police,
Chatrapatti,
Dindigul District.

3. The Inspector of Police,
North Police Station,
Dindigul,
Dindigul District.

4.Latha

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code to, direct the 2nd and 3rd respondents not to harass this petitioner or other family members of this petitioner in the name of enquiry in the alleged complaint given by the 4th respondent.

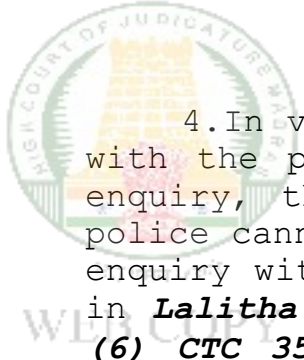
For Petitioner	: Mr.B.Rajesh Saravanan
For Respondent	: Mr.K.K.Ramakrishnan,
Nos.1 to 3	Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to direct the 2nd and 3rd respondents not to harass this petitioner or other family members of this petitioner in the name of enquiry in the alleged complaint given by the 4th respondent.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing the respondent Police.

3.The learned Additional Public Prosecutor would submit that on a complaint given against the petitioner, petition enquiry is pending against the petitioner, on the file of the second respondent police.



4. In view of the above, the petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, respondent Police is free to register an FIR and this order shall not be a shield for the petitioner against the respondent Police proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
Dindigul, Dindigul District.
2. The Inspector of Police,
Chatrapatti, Dindigul District.
3. The Inspector of Police,
North Police Station,
Dindigul, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-61300[F] dated 16/04/2019)

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dsk

AE (26.04.2019) 3P 6C